
APPENDICES, MARCH 6, 2018 PRIMARY CALENDAR

QUICK REFERENCE:

Tuesday, September 12, 2017 = First day to file for precinct chairs

Saturday, November 11, 2017 = First day to file for all offices except precinct chair

Wednesday, December 6, 2017 = 5th day before regular filing deadline; vacancies occurring on or before this date filled at primary election

Monday, December 11, 2017 = Last day of the filing period

Monday, December 18, 2017 = "Extended" filing deadline (see note)

Tuesday, March 6, 2018 = PRIMARY ELECTION DAY

Tuesday, May 22, 2018 = RUNOFF PRIMARY ELECTION DAY

Friday, August 24, 2018 = 74th day before election, vacancy occurring on or before this date and after December 6, 2017 filled at November election (unexpired term)

Monday, August 27, 2018 = 71st day; certification of replacement nominations

Tuesday, November 6, 2018 = GENERAL ELECTION DAY

Appendix A

Party Nomination if Vacancy Occurs in a State or County Office That Would Not Normally be on the 2018 Ballot

I. Nomination by Primary Election. (Sec. 202.004).

A. Vacancy On or Before December 6, 2017.

If a vacancy occurs in an office on or before December 6, 2017 (5th day before regular filing deadline), a political party's nominee for the unexpired term must be nominated in the 2018 primary elections. (Sec. 202.004(a)).

B. Application Process.

1. Regular deadline: If the vacancy occurred on or before December 1, 2017 (on or before the 10th day before the date of the regular filing deadline) an application for the unexpired term must be filed with the appropriate county or state chair by 6:00 p.m., December 11, 2017 (the regular filing deadline). (Sec. 202.004(b)).

Extended Deadline: Occurs after the 10th day before the date of the regular filing deadline, but on or before the 5th day before the date of the regular filing deadline (on or after December 2, 2017 and on or before December 6, 2017), an application for the unexpired term is subject to an extended filing deadline, December 18, 2017 at 6:00 p.m. (in-person) or 5:00 p.m. by mail. (Sec. 202.004(a), (c), as amended by Senate Bill 904, 2013 Legislative Session).

Note: The deadline is extended to the next regular business day which is

December 18, 2017 due to the **5th day after the regular candidate filing deadline falling on Saturday, December 16, 2017. (Sec. 1.006).**

2. The filing fee or petition requirements for a candidate for an unexpired term are the same as for a candidate for a full term.
3. Not later than the day before the last day of the filing period, notice must be posted on the bulletin board used for posting notice of meetings of the commissioners court stating where county chair (or secretary of the county executive committee, if any) will be available to accept filings on the last day of the filing period (or, on the party's website; see main primary calendar for details). If the chair and secretary are taking applications at two different locations, both locations must be listed in the notice. (Sec. 172.022).

II. Nomination by Executive Committee. (Secs. 202.006, 145.036, and 145.038).

A. Vacancy After December 6, 2017.

If a vacancy occurs in an office after December 6, 2017 (5th day before regular filing deadline), but not later than August 24, 2018, the appropriate state, district, county, or precinct executive committee members who are elected in the 2018 primary elections (or appointed) to a **new** term starting June 11, 2018 may nominate a candidate for the unexpired term after the new party officers take office. (Secs. 1.006, 145.036, 171.022, 201.022, 202.006).

B. Nominating Procedure.

The nominating procedure for an unexpired term is the same as that provided for filling a vacancy in a nomination, to the extent it can be made applicable. (Secs. 145.036, 145.037, and 145.038).

1. To be nominated, a person must fulfill the eligibility requirements for the particular office and receive a favorable vote of a majority of the appropriate executive committee members voting* at the nominating meeting. For purposes of making a nomination, a majority of the committee's membership constitutes a quorum. For purposes of calculating the residency requirement, count backwards from the date of the nomination (e.g., a candidate for county judge must be a resident of the county for six months prior to the date of nomination). (Sec. 141.001(a)(5)(D)).

*New law: HB 1735 (2017, R.S.) amended section 145.036 to provide that the nominee must receive a majority of the votes of those voting at the meeting, rather than of those present at the meeting.

2. The chair of the executive committee making the nomination must certify in writing the nominee's name for placement on the general election ballot. The certificate must:
 - a. be signed and acknowledged by the chair;
 - b. include the nominee's residence address and mailing address, if different from the residence address;
 - c. the name of the original nominee;

- d. state the office sought, including any place number or other distinguishing number;
 - e. state the cause of the vacancy;
 - f. state an identification of the executive committee making the nomination; and
 - g. state the date of the nomination.
3. Not later than 5:00 p.m., August 27, 2018 (71st day before general election day), the certificate must be delivered to the Secretary of State for a statewide or district office, or to the county clerk/elections administrator for a county or precinct office. (Sec. 145.037).
 4. If the certificate is filed by mail, it must be **received** by the filing authority by the deadline.

C. Failure of Executive Committee to Make Nomination.

If the district executive committee fails to nominate and certify a candidate by the August 27, 2018 deadline, the state executive committee may nominate a candidate to fill the vacancy. The state chair must deliver the nominee's certificate to the Secretary of State not later than 5:00 p.m., August 29, 2018 (69th day before general election day). (Sec. 145.038). Again, if the certificate is filed by mail, it must be received by the filing authority by the deadline.

Appendix B

Death, Withdrawal, or Ineligibility of Candidates for the 2018 Primary Election

I. Extension of Filing Deadline.*

*For extensions of deadlines for write-in declarations for county or precinct chairs, see II. below.

A. Death of Candidate. (Sec. 172.054).

The Election Code provides for an extended filing deadline (5th day after the regular candidate filing deadline, Saturday, December 16, 2017, extended to December 18, 2017) in the event that a candidate dies on or after the fifth day before the date of the regular filing deadline (December 6, 2017) and on or before the first day after the date of the regular filing deadline (December 12, 2017).

B. Withdrawal or Ineligibility of Incumbent Candidate.

The Election Code provides for an extended filing deadline (5th day after the regular candidate filing deadline, Saturday, December 16, 2017, extended to December 18, 2017) in the event that an incumbent running for re-election withdraws from the election or is declared ineligible on the date of the regular filing deadline (December 11, 2017) or on the first day after the date of the regular filing deadline (December 12, 2017).

C. Withdrawal or Ineligibility of Sole Candidate.

1. The Election Code provides for an extended filing deadline (5th day after the regular candidate filing deadline, Saturday, December 16, 2017, extended to December 18, 2017) if the sole candidate for an office withdraws his or her name from the primary election ballot or is declared ineligible to run in the primary election on the date of the regular filing deadline (December 11, 2017) or on the first day after the date of the regular filing deadline (December 12, 2017), and at the time of the withdrawal or declaration of ineligibility no other candidate has made an application that complies with the applicable requirements for the office sought by the withdrawn or ineligible candidate.
2. Provisions concerning notice of the extension and submission of a supplemental list of candidates mentioned in Section A apply.

II. Extension of Write-in Filing Deadline, Office of County or Precinct Chair.

- A. This type of extension is no longer law. The provisions allowing for an extension of the deadline for precinct chair candidates under certain circumstances were repealed by Senate Bill 100 (2011). (Sec. 171.0231(d)).

Appendix C

- I. Replacement Nomination if Vacancy Occurs in the Party's Nomination for the General Election (Secs. 145.035; 145.036).

See similar note at Appendix A.

- A. When a Vacancy in Nomination May Be Filled.

A vacancy **in nomination** may be filled if the name of the party's nominee will not appear on the November ballot due to:

1. **a death** occurring **after** December 12, 2017 (first day after the date of the regular filing deadline) and on or before August 24, 2018 (74th day before general election). (Secs. 145.035, 145.036, and 172.058(b));
2. **a declaration of ineligibility** occurring after December 12, 2017 (first day after the date of the regular filing deadline) and on or before August 24, 2018 (74th day before general election). (Secs. 172.058(b), 145.035, and 1.006);
3. **a withdrawal due to catastrophic illness**: the withdrawal must occur after December 12, 2017 (first day after the date of the regular filing deadline) and on or before August 24, 2018 (74th day before general election); the illness must have been diagnosed after December 12, 2017 (first day after the date of the regular filing deadline). The illness must be such that the candidate will be permanently and continuously incapacitated and prevented from performing the duties of the office sought. The withdrawal must be accompanied by the certificate of two licensed physicians. If the candidate withdrawing is the only nominee for the office in either party conducting a primary, all political parties with ballot access are entitled to select a replacement nominee. (Secs. 172.052, 145.036(b)(1), 145.036(c), and 1.006);
4. **a withdrawal because the candidate has been elected or appointed to fill a vacancy in another elective office or has become the nominee for another office** after December 12, 2017 (first day after the date of the regular filing

deadline) and August 24, 2018 (74th day before general election). If the candidate withdrawing is the only nominee for the office in either party conducting a primary, all political parties with ballot access are entitled to select a replacement nominee (Secs. 145.036(b)(3), 145.036(c), and 1.006); or

5. **withdrawal by the only nominated candidate** for the office in either party conducting a primary sought on or before August 24, 2018 (74th day before general election). All political parties with ballot access are entitled to select a replacement nominee. (Secs. 145.036(b)(2), 145.036(c), and 1.006)
6. **a death of runoff primary candidate before runoff primary election day**. If a candidate in the runoff dies or becomes ineligible before runoff election day but wins the runoff election, thereby becoming the party's nominee, the appropriate executive committee may select a replacement nominee.

NOTE: All political parties with ballot access are entitled to select a replacement nomination in the circumstance of a withdrawal by the only nominated candidate for the office in either party conducting a primary (see I. A. 3-5, above); otherwise, only the party with the deceased, ineligible, or withdrawn candidate is entitled to make a replacement nomination. (Sec. 145.036(c))

B. Nominating Procedure.

1. The nominating procedure for a vacancy in a nomination is prescribed by Sections 145.031-145.039. June 11, 2018 (first day of new party officers' term) is the first day the appropriate committee can meet to make a nomination. (Secs. 145.036(e), 171.022(c))
2. The chair of the appropriate executive committee must deliver the certificate of the replacement nominee's name by 5:00 p.m., August 27, 2018 (71st day before general election), to either the Secretary of State for a statewide or district office, or the county clerk/elections administrator for a county or precinct office, whichever is applicable. If the certificate is filed by mail, it must be **received** by the filing authority by the deadline. (Secs. 145.037(d), (e), and (f))

C. Failure to Appoint a Replacement Nominee.

If the district executive committee fails to appoint a replacement nominee by August 27, 2018 (71st day before general election), the state executive committee may appoint a nominee to fill the vacancy and the state chair must deliver the certificate of the replacement nominee to the Secretary of State by 5:00 p.m., August 29, 2018 (69th day before general election day). If the certificate is filed by mail, it must be received by the filing authority by the deadline. (Secs. 145.037(f), 145.038)